

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JEROME VICTOR TRAFNY,

Petitioner,

v.

U.S. BUREAU OF PRISONS, et al.,

Respondent.

Civ. No. 05-1607-CO

ORDER

Magistrate Judge Cooney filed his Findings and Recommendation on September 22, 2005. Magistrate Judge Cooney recommends that the petition for writ of habeas corpus under 28 U.S.C. § 2241 be dismissed, because petitioner failed to exhaust administrative remedies. The matter is now before me. 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b). When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell

Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309,
1313 (9th Cir. 1981).

Petitioner has filed timely objections to the Findings and Recommendation. I have, therefore, given de novo review of Magistrate Judge Cooney's ruling. I find no error.

THEREFORE, IT IS HEREBY ORDERED that Magistrate Judge Cooney's Findings and Recommendation (doc. 4) filed November 22, 2005, is ADOPTED in its entirety. The Petition for Writ of Habeas Corpus (doc. 2) is DISMISSED without prejudice. IT IS SO ORDERED.

Dated this 13 day of December, 2005.

/s/ Ann Aiken
Ann Aiken
United States District Judge